

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
VS.) 20-CR-6
)
ROMEL MURPHY,)
)
Defendant.)

* * * * *

HEARING TO SHOW CAUSE RE JEFFREY B. STEINBACK,

HELD BEFORE THE HON. C.J. WILLIAMS,

on the 20th day of May, 2022, at 111 Seventh Avenue S.E.,
Cedar Rapids, Iowa, commencing at 10:29 a.m., and
reported by Patrice A. Murray, Certified Shorthand
Reporter, using machine shorthand.

APPEARANCES:

ATTORNEY JEFFREY B. STEINBACK, 8351 Snaresbrook Road,
Roscoe, Illinois 61073.

Transcript Ordered: 7/11/22
Transcript Completed: 7/24/22

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INDEXEXHIBITSPAGE

Court's Exhibit 1

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Court's Exhibit 2

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1 (The following proceedings were held in open court.)

2 THE COURT: The matter now before the Court is
3 a hearing for show cause -- a show cause hearing for why
4 the Court should not find attorney Jeffrey Steinback in
5 contempt of court. This case originated in a case United
6 States versus Romel Murphy, case number 20-CR-6. It had
7 to do with motions to continue sentencing hearing in that
8 case on multiple occasions that gave rise to the Court
9 having concerns that Mr. Steinback made
10 misrepresentations to the Court that would justify
11 holding him in contempt of the court.

12 This is the third hearing we've had on this. The
13 first hearing occurred on the date when this case was
14 scheduled for a sentencing hearing of Mr. Murphy. The --
15 at that time, Mr. Steinback requested additional time to
16 produce documents to the Court. The Court rescheduled
17 the hearing. Then there were two additional motions to
18 continue that continued hearing, which the Court granted.

19 We had another hearing on January 10th of 2022. At
20 that hearing Mr. Steinback was represented by attorney
21 Leon Spies. Mr. Steinback through Mr. Spies requested
22 another extension of time to produce documents to the
23 Court and to seek counseling and obtain a report from an
24 expert on -- on lawyer ethics, and they requested
25 four months. The Court granted that, actually granting a

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1 little bit over a five months' continuance.

2 And then two days ago Mr. Steinback sent a letter to
3 the Court, which the Court filed as a motion to continue,
4 and the Court denied that motion to continue this
5 hearing.

6 And so that is where we are today. In its last
7 order setting this hearing, the Court indicated that the
8 government need not appear, and so the government is not
9 represented here.

10 Mr. Leon Spies on May 5th filed a motion to withdraw
11 as counsel for Mr. Steinback, which the Court granted.
12 So Mr. Steinback is present, but he is not represented by
13 counsel.

14 Mr. Steinback, I guess I will start off this hearing
15 by asking if you have any of the documents to produce to
16 the Court that the Court has previously requested that
17 you produce.

18 MR. STEINBACK: Your Honor, the -- there were
19 texts that I recall that Your Honor sought to have
20 reproduced regarding exchanges between either my wife,
21 Patti, or myself and Romel Murphy on the evening of the
22 October 5th or 6th -- I can't remember which date there,
23 but the night before the hearing was scheduled. And I
24 have -- Patti sent the Court her typewritten -- the
25 type -- she typed what the texts said and subsequently

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1 e-mailed to my phone the exact texts. The only thing
2 missing from what Your Honor had, which was typed, was a
3 subsequent conversation that Romel and I had, in which he
4 asked me after the texts with Patti -- I don't know what
5 time that was, later in the evening. And I told Romel
6 that I -- I would not be able to go because of the COVID
7 exposure. I'd like to be able to tell him that he
8 couldn't -- that he -- that he couldn't go, because if
9 I'm not there, it's going to be very difficult to go
10 forward, but that I didn't have -- I couldn't tell him
11 that he shouldn't go because I don't have that ability or
12 authority, and I apologized to him. That was the last
13 conversation I had with Romel until the next day. There
14 were no other texts, besides what Patti had typed in the
15 order in which they had come in. And the last one was,
16 "Should I go?" And I talked to Romel by phone. I talked
17 to him many times by phone that night. It was, to say
18 the least, a hectic and anxious evening.

19 THE COURT: All right. Well, Mr. Steinback, I
20 expressed at both prior hearings that I was unsatisfied
21 with your wife's typed-up version of the texts, and I
22 wanted the original text exchange, and I wanted you to
23 produce those records to me. And there's multiple ways
24 to reproduce the original of the texts. You can take
25 screenshots. You can take a photograph of the texts on

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1 another person's phone. There are ways to produce to
2 this Court the original texts.

3 What I am hearing from you is you do not have those
4 to produce to the Court today; is that correct?

5 MR. STEINBACK: No, I do not. I have the --
6 the texts were screenshotted to my phone. I looked at
7 what Patti had typed. It's the same, but I could have
8 Patti forward those same screenshots to anyone Your Honor
9 directs. I could have that done.

10 THE COURT: Mr. Steinback, what part of an
11 order from the Court ordering you to produce the original
12 texts to me did you not understand? Don't tell me now
13 that you can get that done. I ordered you twice to do
14 that. And we have a hearing today, and you have yet to
15 produce those documents to me. I'm not going to give you
16 more time to allegedly produce more documents to me that
17 you failed to produce after I've given you a court order
18 to do so twice.

19 The other documents I have ordered you to produce to
20 me is any documents whatsoever you have that would prove
21 that you actually went to and saw or were treated by
22 anybody regarding back spasms in relation to the original
23 sentencing date -- I can't even call it an original
24 sentencing date -- the sentencing date I believe in
25 September that we continued. And do you have any

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1 additional medical records or any medical records that
2 would reflect that you actually were seen by any medical
3 personnel on September 24th, I believe it was, of 2021?

4 MR. STEINBACK: No, Your Honor. And I would
5 just refer the Court to my statement with respect to that
6 when we were before this Court on the last occasion.

7 THE COURT: All right. And then the last
8 category of documents that I ordered you to produce was
9 any exchange/communications you had with your client. If
10 you recall at the last hearing, I advised you that I had
11 appointed attorney Raphael Scheetz to represent
12 Mr. Murphy, because Mr. Murphy had filed a motion with
13 the Court asking for appointment of counsel because he
14 reported that you had refused to file a notice of appeal
15 on his behalf and he had to request appointment of
16 counsel, and then Mr. Scheetz filed an extension of time
17 to file a notice of appeal because you had not done so.
18 And I requested that you produce to me -- or I ordered
19 you produce to me any documents you would have that would
20 reflect your assertion to me that you actually had not
21 said that, you had not refused to file a notice of
22 appeal, and that that had not occurred.

23 So do you have for me today any documents that would
24 show that exchange with Mr. Murphy?

25 MR. STEINBACK: I had conversations with

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1 Mr. Murphy about both a notice of appeal, as well as a
2 motion that he wished to file prior to that notice of
3 appeal with respect to either obtaining -- I think he
4 wanted to obtain more time before he needed -- before the
5 surrender date, and then I believe he also wanted -- at
6 least he spoke with me about the prospect of getting a
7 different designation, and we had extensive conversations
8 about those things. And I'll share them with the Court
9 if the Court wishes.

10 THE COURT: What I wish is documentation,
11 Mr. Steinback. You told me at the last hearing that you
12 have text messages between you that would reflect that
13 communication. Do you have those text messages for me
14 today?

15 MR. STEINBACK: No, Your Honor, I don't have
16 text messages that reflect that. Those were by phone. I
17 have other text messages between us but not concerning
18 those matters. I would like to share with the Court what
19 we discussed since Your Honor has raised the question.

20 THE COURT: I'm happy to hear from you on that
21 matter in a minute. So let me ask you this, do you have
22 any additional documents or evidence you wish to present
23 to the Court other than statements by you?

24 MR. STEINBACK: Yes, Your Honor. I have --
25 Your Honor has the letter from my therapist. That was

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1 attached to the most recent correspondence to the Court.

2 THE COURT: I do. It's been filed at document
3 number 111 under seal.

4 MR. STEINBACK: Thank you. Your Honor, I also
5 have a letter from a woman by the name of Carol
6 Opalinski. After a number of conversations with my wife
7 about my gratitude to her for filling in during COVID and
8 other things, we had a discussion, and I asked her to
9 kindly allow me to get somebody in an official capacity
10 that I could count on and would do that on a weekly
11 basis. And I -- and I have a letter from Carol Opalinski
12 where I -- who's someone who worked for me many years ago
13 and who agreed to take on the responsibilities of
14 scheduling, response to phone calls, and receipt of
15 e-mails, and the filing of those e-mails in an orderly
16 and consistently orderly fashion. And I have that
17 letter. I --

18 THE COURT: Why don't you provide that letter
19 to Mr. Coberly, please.

20 MR. STEINBACK: Yes, I will, Your Honor.

21 THE COURT: And I will have this marked as
22 Court's Exhibit 1 and filed under seal.

23 (Whereupon, Court's Exhibit 1 was received.)

24 MR. STEINBACK: I have -- and, unfortunately,
25 it's -- it was reproduced in a way that had a -- a

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1 heading on it because it was e-mailed, but I do have a
2 letter. It was -- it was actually in a bit of luck on my
3 part. I had mentioned to Your Honor in connection with
4 the exposure to COVID a couple of things, one of which is
5 that I had received a phone call from an individual
6 identifying himself as a doctor, who had indicated that
7 his patient was the prospective client that I had met
8 with the night before the hearing or the two nights
9 before the hearing, and the next day I got a call from
10 this doctor. His name is Adam Hutton, and he's with
11 something called Chicago Healthcare Center. I don't know
12 Mr. Hutton personally. But I asked him, when I found his
13 number, if he recalled the situation and if he was
14 willing to write a letter to the effect that he had
15 advised me of the positive COVID test of that individual.
16 And he has -- I apologize for the -- what's on the top,
17 but it didn't come until late last night -- or later last
18 night, and I could not reach him thereafter to get a
19 clean copy, but if I could tender to the Court Dr. Adam
20 Hutton's -- H-U-T-T-O-N -- letter. And I apologize again
21 for the heading.

22 THE COURT: All right. And I will mark that as
23 Court's Exhibit Number 2 for purposes of this hearing as
24 well.

25 (Whereupon, Court's Exhibit 2 was received.)

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1 THE COURT: Any other documentary evidence you
2 wish to present to the Court, Mr. Steinback?

3 MR. STEINBACK: No, Your Honor.

4 THE COURT: All right. I'm happy to hear any
5 statement then you want to make or any other evidence you
6 wish to present to me on this matter.

7 MR. STEINBACK: Thank you, Your Honor. Your
8 Honor, would it be all right if I sat?

9 THE COURT: You may, yep.

10 MR. STEINBACK: Thank you. I'd like to begin
11 with an apology for a number of things that I did not
12 have control over or did not assume the kind of
13 responsibility I should have to make sure -- to make sure
14 that I was as versed as I needed to be in response to
15 Your Honor's inquiries, and to also take responsibility
16 for all the shortcomings which Your Honor may find my --
17 My wife's drafting of that letter or that motion, after
18 consulting with Kyndra and with Your Honor's courtroom
19 deputy, was written by her unbeknownst to me, but it is
20 my responsibility to be in a position to oversee anything
21 that goes out over my name, and I was not in a position
22 to do that, and that is entirely on me.

23 I also was underprepared with respect to the hearing
24 we had after the sentencing of Romel Murphy. Your Honor
25 knows to some degree from the different comments I've

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1 made how long I've been at this business, and yet how
2 difficult I still find sentencing preparation to be.
3 I've never gotten better at preparing. In fact, the more
4 I do this, the more I think there is to be done and the
5 more uncomfortable I become about not getting it all
6 done.

7 And my focus was on making sure that I made the best
8 presentation I could to the Court. I didn't look
9 carefully enough at the e-mail exchanges between Patti,
10 the prosecution, and Your Honor's courtroom deputy. I
11 did not read that motion carefully. When I looked at it
12 during the course of our hearing, I realized that what
13 was said was not true. And I asked you for time, Your
14 Honor, primarily so that I could speak with my wife and
15 get a detailed accounting of what happened in those late
16 or early morning hours, however you look at it, prior to
17 my inability to appear on the first of the two scheduled
18 hearings -- or three scheduled hearings, the first being
19 the 24th of September, and then ultimately concluding I
20 believe on the 20th of October. But that -- I did not
21 manage that at all well. I did not take the
22 responsibility to be fully prepared to respond to Your
23 Honor as carefully as I should have. And I literally
24 was -- whether I showed it or not, I was -- I was -- it
25 was dreadful to see what was in there. And I knew that

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1 we didn't see anybody at any ER. And I -- there was
2 nothing I could do to produce documents. I wanted to
3 know if perhaps Patti had called the doctor, because I
4 have a regular internist who deals with many of my
5 problems, and perhaps he said this to her verbally; and
6 that didn't happen either on this occasion. So I was
7 stuck with a motion that I hadn't -- I didn't know was
8 prepared, and I hadn't reviewed or authored or -- but
9 everything, ultimately, it ends here. The responsibility
10 is mine, and mine alone.

11 There are other things I was confused about. For
12 example, I thought that my daughter, Kimberly
13 Steinback -- who Your Honor understandably expressed some
14 confusion over who that was, who had at the tail end of
15 that meeting with that prospective client had been eating
16 in the same restaurant with Patti and then joined us at
17 the end -- I thought she had actually caught COVID from
18 that individual. I didn't realize she independently had
19 COVID because the time frame for her testing positive for
20 COVID was just a couple days after the interaction with
21 that individual, and there's no way that she would have
22 manifested those kinds of symptoms that quickly. She had
23 already had COVID, and we already had another exposure,
24 and I had that all out of sequence. And again, my focus
25 was on the sentencing hearing and making sure that the

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1 three or four different sentencing arguments I wrote I
2 was able to keep straight so that I could make the
3 argument that was, I hoped, most effective, given what I
4 read and heard and took in the way of cues from the
5 Court, that would be most important.

6 And my credibility is already damaged, but I
7 probably wrote four different arguments for that case,
8 and each one had significant overlap, and I was trying to
9 keep them straight and not repeat myself. I had a sheaf
10 of paper that was probably 70 or 80 handwritten papers,
11 and I had them paper-clipped together, and I wanted to
12 make sure I argued the most appropriate arguments, and
13 leave to the side those that I had prepared in the event
14 that they arose.

15 For example, I didn't know if the issue of the --
16 the probation officer had recognized that -- based on
17 what the presentence report had revealed, the Probation
18 Office would not have recommended an increase under 3B1.1
19 for role in the offense. I didn't know if Your Honor
20 would take up that issue with the parties, and I had
21 written extensively on that in the event that it occurred
22 because it was factually a little confusing and prolix.
23 It never arose, so I never addressed it, but I had in the
24 event Your Honor had questions about it.

25 The -- the other aspect of what has arisen from

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1 these proceedings, in addition to the need to find not
2 full-time but three-quarter-time professional help to
3 keep my filings straight and not wind up in a horrific
4 fight with my wife, in which she would have interpreted
5 that as me not appreciating her trying to help -- I
6 should have done that long before, because it's not the
7 first time that problem has arisen. More importantly
8 though, Your Honor caused me to look back over the last
9 not just 18 months but maybe three years of my own
10 difficulties, increasing difficulties, in sitting for
11 lengthy periods of time and maintaining concentration,
12 and the necessity to obtain continuances because of
13 problems with my spine primarily, but also both of my
14 hips and other surgeries that I've had that -- some have
15 been successful, but most of the principal ones have been
16 failures -- and the need to take a hard look at what I
17 was doing and where I was headed. I never want to have
18 another hearing like the one I'm having right now with
19 Your Honor with any other court. I never want to provoke
20 another court's ire. I have spent literally a lifetime
21 priding myself on not doing that. This has been and is
22 humiliating, shameful. And, ultimately, whatever Your
23 Honor determines is appropriate, I will tell you right
24 now, I will accept it.

25 The reason that I went to see a therapist was not

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1 for the purposes of generating an evaluation or a
2 document for the Court. I thought that, through my
3 dealings with Leon, that Wendy Muchman would be making
4 that evaluation, but when we parted ways, Wendy works
5 with or through Leon and so my opportunity to work with
6 her went when Leon withdrew.

7 My purpose for going to see a therapist was how to
8 cope better with the multiple emotional difficulties of
9 watching my youngest brother lose and continue to lose a
10 battle with a terrible cancer of multiple myeloma;
11 watching my wife suffer as her brother, who is maybe
12 days, perhaps a week or two, away from dying from a
13 failed battle with pancreatic cancer, in hospice. And, I
14 mean, I've known him, and my children think the world of
15 him, and though they're all grown -- by that I mean 36,
16 38, and 42 -- they still call him their Uncle Donny, and
17 they are crushed by that. I wanted to talk to this
18 doctor about how to manage what seemed to be emotional
19 difficulties that, in addition to the multiple
20 professional responsibilities I have and some
21 difficulties with Patti, that -- who I worship, but
22 constantly intervening in areas, bless her heart, that
23 she shouldn't -- and then my own recognition that I can't
24 keep doing what I am doing, certainly, not even at the
25 reduced pace I'm trying to do it.

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1 I don't know at this stage if major depression is
2 why I don't concentrate as well as I should, why it takes
3 me days instead of hours to get work done. It's -- that
4 diagnosis caught me completely unawares, and I'm trying
5 to think about whether, and if so, how, it has impacted
6 my ability to get things done in a timely fashion; why,
7 if perhaps I didn't have those problems with
8 concentration, I wouldn't be sitting as long as I need to
9 and the spasms wouldn't start.

10 I don't know if I'll ever be believed by this Court
11 again, but these spasms are not a minor inconvenience.
12 They're a crippling, overwhelming interference with any
13 aspect of my ability to move, and they take hold, and
14 they don't let go until they're good and ready. I've
15 been hospitalized for them. I've taken everything from
16 Haldol to gabapentin, to -- I can't even begin to tell
17 you all the things to try to break these cycles. I even
18 had in one hospitalization nurses Lamaze me through the
19 spasms. But it has prompted me to put an end date on my
20 practice.

21 I mentioned to the Court, and I've been in
22 conversations with a lawyer, Sammy Azari, who has taken
23 over three of my cases that are at the end of their --
24 end stages of resolution, but still require quite a bit
25 of work. And this weekend I hope to be able to finish up

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1 an agreement with him, an actual written agreement,
2 formalizing his assumption of my practice, and use me as
3 a consultant until I'm not necessary and the new cases
4 come and they're not mine any longer. It's not something
5 I wanted to do, Your Honor. I have financial
6 responsibilities, as I've said before, that I've taken on
7 for years. They're not legally my obligation, but
8 they're morally my obligation. I don't believe you can
9 start to help somebody and give them a position where
10 they have at least a modest level of comfort, and then
11 pat yourself on the back and leave. I think -- I
12 think -- at least I believe I'm required to see that
13 through until I can't any longer. Well, that "can't" has
14 come along much sooner than I ever anticipated.

15 I hope the Court can sense the respect I have for
16 Your Honor. I never meant to be disrespectful. There
17 are things still going on I don't want to drone about,
18 but in the interim of the last month, my granddaughter,
19 who is twelve, had a seizure, and the doctor who did the
20 EEG on that seizure said that it may have been
21 precipitated by a brain tumor, the same daughter --
22 granddaughter, who was hospitalized at 18 months for
23 childhood leukemia. And in addition to a number of other
24 things, we all were terrified that something horrible had
25 come back. Well, she does have grand mal epilepsy, but

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1 she does not have a brain tumor. That shadow was --
2 whatever it was, it wasn't what they thought it was. But
3 we lived with those fears until Mayo could come back and
4 pronounce that that wasn't the cause.

5 I -- my whole purpose in life, at least for the last
6 25 or 30 years, has been to try to take care of people
7 with the good fortune that I've had, and to continue to
8 do that until I can't anymore, and I've come to that
9 point in my life.

10 I don't know when Mayo can see me. I was hoping
11 that I could expedite that. They may not be able to see
12 me based on an interim -- I don't know if it was an
13 e-mail or what it was, but it was something sent that
14 said that there is substantial backup, and if any of the
15 matters that you believe are concerning you are more
16 urgent, then we urge that you see local physicians until
17 we can get you in. Now, that's not a quote, but it was a
18 bit disappointing because I had hoped to be able to get a
19 workup on the things that physically cause me
20 difficulties, as well as whatever it is that's going on
21 mentally.

22 If I had taken the time to read carefully through
23 Your Honor's order, but more than that, the sequence of
24 e-mails and the motion itself, I could have resolved this
25 I believe on October 12th or whatever that date was that

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1 we had our first hearing. My failure to do that has
2 triggered a variety of negativity and at times prompting
3 defensiveness. But at the end, there -- I don't come
4 here to make excuses. I do seek compassion and
5 understanding from the Court. I don't think that it has
6 been lacking in the way things have proceeded. I just am
7 looking to finish an almost 47-year career the way I
8 started it and without any kind of serious blemish.

9 I take pride in my work. I take pride in the
10 relationships I've been able to garner with judges and
11 prosecutors, colleagues, clients. It all matters to me.
12 It's all emotional. And if I wasn't still passionate
13 about it, I would have quit long ago.

14 But here I am. And again, I feel I've disappointed
15 the Court. But what I am looking for is closure in some
16 way that Your Honor feels is just and fair, taking into
17 consideration a lifetime of effort to do the best I can
18 for each and every one of my clients and to deal with and
19 treat with respect each tribunal before whom I appear.

20 I -- I can say about Romel that we got to know each
21 other very well. When Your Honor indicated that there
22 would be a rule to show cause why I shouldn't be held in
23 contempt, I had to tell my client about that, see if he
24 even wanted to go through sentencing with me. He said he
25 did. But he did not want me to prepare a motion or

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1 continue to be part of his case. A smart man. And he
2 was aware because I told him, and I showed him the
3 document -- I owed him that -- that there were that
4 proceeding. And he felt a local lawyer would do a better
5 job, given that I was still dealing with the contempt.

6 Why, if he contacted you, he indicated otherwise, I
7 don't -- I couldn't possibly understand. We had lengthy
8 conversations on the phone about this. I told him, look,
9 I will draft this. I know it -- I advised him not to ask
10 for Your Honor to make a designation change because the
11 Court had made it absolutely abundantly clear that that
12 was not something this Court believed it had any ability
13 to do, and to the extent recommendations could be made,
14 the Court was not making one. I also advised Romel that
15 if he was going to seek an extension, it had to be based
16 on some medical reason that had to be supported by hard
17 medical data and urgency. We had all those
18 conversations, and he said thank you to me.

19 I wound up speaking with the lawyer who took the
20 case over about a couple of things, including the lawyer
21 contemplating filing a notice of appeal and asking me if
22 I thought there were any appellate issues that would
23 survive the waiver that I believe was in our plea
24 agreement. There was some limited bases on which an
25 appeal could go forward, but I saw no way to circumvent

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1 that waiver. And I also believed that the filing of a
2 notice of appeal about anything other than those limited
3 circumstances -- I said the same to Romel -- would be met
4 immediately with the agreement to waive that right.
5 And unless he could raise some ineffective assistance
6 argument, there was nothing to be done about that. And I
7 left that to him. When I got the call from the gentleman
8 that Your Honor appointed -- I don't remember his name --
9 he said something about -- I don't know if it was an
10 Anders brief, but a brief to describe that there were no
11 appellate issues that were viable, and we had a
12 discussion for some period of time. I don't recall how
13 long.

14 The last time I heard from Romel was something that
15 he sent through somebody who had recently visited him,
16 remembering to say hello to Patti and I, and somebody
17 texted that to us. And I appreciated that, we receiving
18 that text. But there was no doubt that Romel did not
19 want me to represent him post-sentencing for the reasons
20 I described, and I understood. There were also some
21 disagreements I don't think I have the right to get into,
22 where I was disappointed in certain decisions he had
23 made, but that I can't, without his waiver, get into.
24 But overall, it was his choice and I respected it. It
25 was an unusual circumstance.

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1 If I could do this from September 24th until
2 October 20th, that 26 days, differently, I would do it
3 differently in a heartbeat. The spasms I couldn't do
4 anything about. But to do over, even with my doctor
5 telling me that there was a five or six-day quarantine
6 and the CDC and our governor telling us it was 14 days, I
7 still would have come to court. That, I would have most
8 definitely changed. At the time, I thought I was doing
9 the right thing. I don't think so now, because it would
10 have been far better for Romel and for this Court for me
11 to have resolved this case at that time. And I don't
12 mean to be presumptuous, but I believe that would have
13 obviated a great deal of the concerns Your Honor
14 ultimately raised.

15 With respect to a few last comments, the government,
16 the United States Attorney, and I, were always in accord
17 with the underlying fraud case, the wire fraud scheme,
18 before the indictment was ever returned, months and
19 months before. I met with the case agents in my home
20 with Romel, and Romel laid out his guilt. When the
21 indictment was returned and there was an aggravated
22 identity theft, that I had never discussed with my client
23 or the government. Discovery, a great deal of discussion
24 with my client, a determination of the -- the
25 misunderstanding, which I tried to figure out where that

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1 came from, but the misunderstanding that the government
2 had concerning the underlying facts, which came directly
3 from the witness who claimed to have been the victim of
4 this identity theft, it turned out, from records and
5 other things, I was able to demonstrate, that she not
6 only cooperated but was physically present when her
7 PayPal account was used, and misrepresented to the
8 government that her relationship to Romel was an assigned
9 host by the principal casino he was gambling at, and she
10 knew him well and she was only too happy to help him out
11 of a temporary scrape because he was losing so much money
12 at this casino, and that he had been assigned his own
13 host. That's that supposed victim. And when I was able
14 to demonstrate all that to the government, they
15 ultimately removed that count, whatever it was, Count 7 I
16 think, and then we were able to move forward with the
17 plea. And all the other delays and negotiations were
18 associated with receiving essentially the same plea
19 agreement with the same count, to which I did not think
20 factually there was a basis to hold Romel Murphy legally
21 accountable, and ultimately the government agreed to
22 dismiss that indictment -- that count of the indictment,
23 and then we moved forward expeditiously.

24 There is nothing left for me to do but apologize for
25 my failure to appear and not have my priorities straight

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1 on the 6th or whatever that date in October was, and hope
2 that the Court will take into consideration that the
3 two -- our two states take a very different and took a
4 very different look at what the COVID protocols were that
5 were appropriate for each state. And again, if I had it
6 to do over again, the one thing I would do absolutely --
7 well, the two things I would do absolutely differently
8 were to have said, "Judge, that -- that motion is just
9 wrong," and to have been prepared ahead of time to say
10 that, and then just shown up that morning.

11 I've told a lot of people who have come to me with
12 their problems that I can't change yesterday, no matter
13 how much I'd like to, and regret only gets you so far.
14 Meaningful action going forward is the only thing that
15 can ultimately ameliorate the problems you created by
16 those misjudgments. And it is with those thoughts that I
17 ask Your Honor to determine whatever it is the Court
18 thinks appropriate. And I said at the outset, whatever
19 it is, I will accept.

20 I thank you for giving me this opportunity to
21 address the Court.

22 THE COURT: Thank you, Mr. Steinback.

23 I want to make a brief record regarding the
24 last-minute continuance that was filed in the form of a
25 letter to me two days ago. Mr. Steinback, we are not

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1 enemies, but nor are we friends. A lawyer does not seek
2 a continuance of a hearing by sending a private letter to
3 a judge. You know better than that, and you know how to
4 file a motion to continue. And sending me a letter by
5 e-mail and bearing inside of that letter a request to
6 continue this hearing by 60 or 90 days for various
7 reasons was totally inappropriate.

8 I'm also insulted to think that you think me so
9 shallow that I would be moved by the obsequious tone of
10 your letter. I denied the motion to continue because,
11 number one, this is the third hearing we've had on this
12 motion -- or on this contempt issue. Your request for a
13 continuance is filed, once again, at the last minute. I
14 had given you not only the time you requested at the last
15 hearing to do all the things you say you were going to
16 do, but gave you even more time than requested. And you
17 did not act with due diligence in pursuing a continuance.
18 As I noted before, Mr. Spies moved to withdraw on
19 May 5th, and you waited two weeks after that to send this
20 letter to me regarding a continuance, in part to find a
21 new attorney, without any explanation about what, if
22 anything, you've done to try to secure representation
23 before that. So that's why I denied the motion.

24 The fact that Mr. Leon Spies withdrew his
25 representation from you speaks volumes to me. Mr. Spies

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1 is an outstanding, highly respected lawyer, whose ethics
2 are beyond reproach and whose patience -- he has the
3 patience of Jobe. And the fact that he was unwilling to
4 continue to represent you in this matter speaks volumes
5 to me.

6 My research has provided me with a number of cases
7 where lawyers have done -- engaged in conduct similar to
8 the conduct you've engaged in here. I find that you have
9 not been candid with the Court, that you have misled the
10 Court, and that you have failed to comply with my court
11 orders repeatedly. Other courts have held lawyers in
12 criminal contempt for that conduct. I think under the
13 law I could do so here, but I find it to be an outcome
14 that is too harsh. I am going to find you in civil
15 contempt, and I am going to take under advisement this
16 case and I will issue a written order in which I outline
17 the sanction that I find appropriate given the conduct
18 you've engaged in here.

19 To be clear -- I want to make it abundantly clear on
20 this record because you said something during your
21 comments about it would have been better for Mr. Murphy
22 had you done something differently -- your conduct in
23 this case has had no impact and no influence on me
24 whatsoever in the way that I dealt with Mr. Murphy.
25 Mr. Murphy had no responsibility for your conduct, and I

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1 did not consider that in any way, nor would I ever
2 consider that in any way in determining the appropriate
3 sentence for a criminal defendant represented by an
4 attorney who engaged in misconduct. So I want to make
5 sure that record is clear.

6 I am going to take this under advisement. I will
7 get a written ruling out, outlining the punishment that I
8 believe to be appropriate for what I find to have been
9 contempt of this Court. Until that ruling comes out,
10 that will conclude this hearing.

11 THE CLERK: All rise.

12 MR. STEINBACK: May I make one more -- just one
13 comment? I had said, at the time Your Honor had
14 sentenced Mr. Murphy, contemporaneous with that
15 imposition of sentence, that I felt that Your Honor had
16 not in any way considered anything that I was -- anything
17 to do with my contempt hearing, and I didn't believe that
18 it had or even reflected the least bit in that -- in that
19 proceeding. I said it then, and I said it again in that
20 letter, and I just want to echo that sentiment. I
21 watched Your Honor carefully. I listened to Your Honor.
22 Your Honor was open-minded and focused exclusively on
23 what was fair and just for Romel Murphy. I didn't
24 recognize, see, or even sense a hint of anything else.

25 THE COURT: All right. We'll be in recess.

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THE CLERK: All rise.

(Proceedings concluded at 11:28 a.m.)

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C E R T I F I C A T E

I, Patrice A. Murray, a Certified Shorthand Reporter of the State of Iowa, do hereby certify that at the time and place heretofore indicated, a hearing was held before the Honorable C.J. Williams; that I reported in shorthand and transcribed to the best of my ability the proceedings of said hearing; and that the foregoing transcript is a true record of all proceedings had on the taking of said hearing at the above time and place.

I further certify that I am not related to or employed by any of the parties to this action, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand this 24th day of July, 2022.

/s/ Patrice A. Murray

Patrice A. Murray, CSR, RMR, FCRR
Court Reporter
PO Box 10541
Cedar Rapids, Iowa 52410

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